

AMENDED IN SENATE MARCH 29, 2006

**SENATE BILL**

**No. 1712**

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**Introduced by Senator Migden**  
(Coauthor: Assembly Member Bass)

February 24, 2006

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An act to ~~amend Sections 16115.5 and 16118 of, and to add Section 16118.5 to,~~ *add Section 16124 to the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1712, as amended, Migden. ~~Adoption Assistance Program: adoption of hard-to-place teens.~~

Existing law provides for the ~~establishment and administration of the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county of the Adoption Assistance Program,~~ for the purpose of benefitting children residing in foster homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

~~This bill would declare the policy of the state, to be advanced by the department and licensed adoption agencies, to promote and encourage adoption of all children, including teenagers, in the foster care system. The bill would require the department to report to the Legislature, no later than January 1, 2008, regarding the effectiveness of the program in encouraging and promoting the adoption of all eligible children, including teenagers, within the foster care system.~~

*This bill would require the Department of Social Services to establish 3-year pilot projects in 3 counties, and would provide funding to those counties, to provide postadoption services to ensure the successful adoption of hard-to-place foster children who are at least 11 years of age, but not yet 18 years of age, and who are members of sibling groups. The bill would require participating counties to submit progress reports to the department, and would require the department to report to the Legislature and the Governor regarding the program. The bill would also require the department to contract for an independent evaluation of the program. The bill would appropriate the sum of \$4,000,000 to the department for these purposes. The bill would include a statement of legislative findings and declarations.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *A demonstration project is necessary to provide services*
- 4     *for children who are 11 to 18 years of age with special needs.*
- 5     *Special needs can mean, but is not limited to, being part of a*
- 6     *sibling group and having physical, mental, or behavioral health*
- 7     *problems.*
- 8     (b) *Older foster children are emancipating out of the system*
- 9     *without ever being adopted into a family that loves, nurtures,*
- 10    *protects, and guides them. Thousands of foster youth emancipate*
- 11    *from the system without connections each year. This low*
- 12    *adoption rate of older foster children, 11 to 18 years of age,*
- 13    *constitutes a pressing need to provide support and incentives to*
- 14    *promote and encourage the adoption of those children. Moreover*
- 15    *each additional year of age at first placement in foster care*
- 16    *correlates to a 12 percent drop in the odds of permanence being*
- 17    *achieved for a child.*
- 18    (c) *Older foster youth are more likely to have many special*
- 19    *needs. For many older foster children, cumulative experiences of*
- 20    *exposure to drugs or alcohol prior to birth, subsequent child*
- 21    *maltreatment, and numerous foster care placements combine and*
- 22    *bring on intense mental health crisis or significant behavioral or*

1 *learning problems. Mental health services are often necessary.*  
2 *This need can be mitigated by postadoption services.*

3 *(d) Mental health experts recognize the significance and*  
4 *power of sibling relationships. Separating siblings in foster care*  
5 *or through adoption adds to their emotional burden. They have*  
6 *already had to cope with the separation and loss of their parents.*  
7 *When sibling ties are severed, the impact can last a lifetime. It is*  
8 *often difficult to find families willing to adopt children in sibling*  
9 *groups.*

10 *(e) Youth who leave the foster care system are often ill*  
11 *prepared for what follows. About one fourth of former foster*  
12 *youth will be incarcerated within the first two years after they*  
13 *leave the system. Approximately one third of former foster youth*  
14 *will be on public assistance shortly after aging out of the system.*  
15 *It is estimated that 10 percent of the young women emancipating*  
16 *from foster care in California are parents, and existing services*  
17 *for teen mothers are woefully inadequate. Nearly a third of foster*  
18 *youth will become homeless at some time within the first year*  
19 *after they leave the system at 18 years of age.*

20 *(f) Respite care for children with special needs is intended to*  
21 *give parents who adopt a foster youth a pause from the excessive*  
22 *stress of parenting. California does not provide respite care to*  
23 *families who have adopted children, whereas 19 other states do*  
24 *provide this respite care.*

25 *(g) While most adoptions have positive outcomes for the*  
26 *children and their families, many adoptive families need*  
27 *supportive services at some point during or after the adoption.*  
28 *The State of California recognizes this need and shall conduct a*  
29 *demonstration project with the goal of increasing permanence*  
30 *for older foster youth by expanding and enhancing services to*  
31 *adoptive families of children with special needs.*

32 *SEC. 2. Section 16124 is added to the Welfare and*  
33 *Institutions Code, to read:*

34 *16124. (a) Upon the appropriation of funds by the*  
35 *Legislature for the purposes set forth in this section, the*  
36 *Department of Social Services shall establish three-year pilot*  
37 *projects in three counties, with the agreement of each county, to*  
38 *provide postadoption services to ensure the successful adoptions*  
39 *of “hard-to-place” children in foster care who are at least 11*  
40 *years of age, but not yet 18 years of age, according to criteria*

1 *developed by the department pursuant to this section. One county*  
2 *shall be located in the northern region of the state, one county*  
3 *shall be located in the southern region of the state, and one*  
4 *county shall be located in the central region of the state.*

5 *(b) A county that elects to apply for funding pursuant to this*  
6 *section shall submit an application to the department. The*  
7 *department shall review the application and select the eligible*  
8 *counties in accordance with the provisions of this section. The*  
9 *department shall ensure that any county selected for the program*  
10 *enacts a program that includes, but is not limited to, the*  
11 *following:*

12 *(1) Cash payments to the adoptive families of hard-to-place*  
13 *children for behavioral health services and respite care.*

14 *(2) Cash payments to adoptive families to ensure sibling group*  
15 *unification.*

16 *(3) Peer support for adoptive families.*

17 *(4) Ongoing, consistent case management for these adoptive*  
18 *families.*

19 *(5) Adoption-sensitive mental health services.*

20 *(6) Information and referral services for these adoptive*  
21 *families.*

22 *(c) The amount of funding provided to each county shall be*  
23 *equal to that county's relative proportion of foster youth who are*  
24 *at least 11 years of age, but not yet 18 years of age, who are in*  
25 *sibling groups, and who have been freed for adoption, as*  
26 *compared to the total number of foster youth meeting this*  
27 *description within the three pilot counties as a whole. Funds*  
28 *shall be allocated to the counties no later than June 1, 2007, and*  
29 *shall be made available for expenditure as determined by the*  
30 *department by the end of the 2008–09 fiscal year.*

31 *(d) The department shall work with the three pilot counties to*  
32 *develop and analyze data regarding the impacts of the projects,*  
33 *including, but not limited to, the extent to which adoptions of*  
34 *youth who are at least 11 years of age, but not yet 18 years of*  
35 *age, and who are in sibling groups, increased as a result of the*  
36 *projects. In developing and analyzing the data, the department*  
37 *may consult with the Child Welfare Research Center at the*  
38 *University of California at Berkeley or other appropriate*  
39 *research organizations.*

1     (e) Not later than July 1, \_\_\_\_\_, each participating county  
2 shall submit progress reports to the department assessing the  
3 effectiveness of that county in achieving stated goals that shall  
4 include, but need not be limited to, all of the following  
5 information:

6     (1) The number of children or families who were served by  
7 local projects funded under this program.

8     (2) The services that were provided.

9     (3) The cost of providing training to adoptive families in the  
10 care of eligible children.

11     (4) The cost of providing respite care services and the number  
12 of respite care hours each family received.

13     (5) The cost of delivering services for the program as a whole,  
14 for each local project, and for each child or family served.

15     (6) The number of adoptions that were finalized.

16     (7) Problems encountered in the design and operation of the  
17 grant program plan, including identification of any federal, state,  
18 or local statute or regulation that impedes program  
19 implementation.

20     (8) Family and child satisfaction.

21     (9) The increase, if any, in the number of adoptions of  
22 hard-to-place children.

23     (f) (1) The department shall submit a preliminary report by  
24 January 1, \_\_\_\_, and submit a final report to the Legislature on  
25 the effectiveness of the demonstration project by November 30,  
26 \_\_\_\_.

27     (2) The department shall submit to the Governor and the  
28 Legislature the results of the evaluation, and a summary of the  
29 reports submitted to the department. The department shall  
30 contract for an independent evaluation of the effectiveness of  
31 funds awarded under this chapter in assisting counties in  
32 implementing the program established pursuant to this section  
33 not later than January 1, \_\_\_\_.

34     (g) For purposes of this section, the term “hard-to-place”  
35 refers to a child who meets both of the following criteria:

36     (1) He or she has a mental, physical, emotional, or medical  
37 disability that has been certified by a licensed professional who  
38 is competent to make that assessment and who is operating  
39 within the scope of his or her profession. This definition also  
40 includes a child who has a developmental disability as defined in

1 subdivision (a) of Section 4512, including those determined to  
2 require out-of-home nonmedical care as described in Section  
3 11464.

4 (2) He or she is a member of a sibling group.

5 SEC. 3. The sum of four million dollars (\$4,000,000) is  
6 hereby appropriated from the General Fund for allocation to the  
7 Department of Social Services for the purposes set forth in  
8 Section 16124 of the Welfare and Institutions Code.

9 SECTION 1. Section 16115.5 of the Welfare and Institutions  
10 Code is amended to read:

11 16115.5. (a) It is the intent of the Legislature in enacting this  
12 chapter to benefit children residing in foster homes by providing  
13 the stability and security of permanent homes, and in so doing,  
14 achieve a reduction in foster home care. It is not the intent of this  
15 chapter to increase expenditures but to provide for payments to  
16 adoptive parents to enable them to meet the needs of children  
17 who meet the criteria established in Sections 16116, 16120, and  
18 16121.

19 (b) It is the policy of the state, which shall be advanced by the  
20 department and licensed adoption agencies, to promote and  
21 encourage adoption of all children, including teenagers,  
22 regardless of eligibility for adoption assistance under this  
23 chapter.

24 SEC. 2. Section 16118 of the Welfare and Institutions Code is  
25 amended to read:

26 16118. (a) The department shall establish and administer the  
27 program to be carried out by the department or the county  
28 pursuant to this chapter. The department shall adopt any  
29 regulations necessary to carry out this chapter.

30 (b) The department shall keep any records necessary to  
31 evaluate the program's effectiveness in encouraging and  
32 promoting the adoption of children, including teenagers, eligible  
33 for the Adoption Assistance Program.

34 (c) The department or the county responsible for providing  
35 financial aid in the amount determined in Section 16120 shall  
36 have responsibility for certifying that the child meets the  
37 eligibility criteria and for determining the amount of financial  
38 assistance needed by the child and the adopting family.

39 (d) The department shall actively seek and make maximum  
40 use of federal funds that may be available for the purposes of this

1 chapter. All gifts or grants received from private sources for the  
2 purpose of this chapter shall be used to offset public costs  
3 incurred under the program established by this chapter.

4 (e) For purposes of this chapter, the county responsible for  
5 determining the child's Adoption Assistance Program eligibility  
6 status and for providing financial aid in the amount determined in  
7 Sections 16120 and 16120.1 shall be the county that at the time  
8 of the adoptive placement would otherwise be responsible for  
9 making a payment pursuant to Section 11450 under the  
10 CalWORKs program or Section 11461 under the Aid to Families  
11 with Dependent Children-Foster Care program if the child were  
12 not adopted. When the child has been voluntarily relinquished for  
13 adoption prior to a determination of eligibility for such a  
14 payment, the responsible county shall be the county in which the  
15 relinquishing parent resides. The responsible county for all other  
16 eligible children shall be the county where the child is physically  
17 residing prior to placement with the adoptive family. The  
18 responsible county shall certify eligibility on a form prescribed  
19 by the department.

20 SEC. 3. Section 16118.5 is added to the Welfare and  
21 Institutions Code, to read:

22 16118.5. The department shall submit a report to the  
23 appropriate committees of the Legislature, no later than January  
24 1, 2008, regarding the effectiveness of the Adoption Assistance  
25 Program in encouraging and promoting the adoption of all  
26 eligible children, including teenagers, within the foster care  
27 system.